

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

BRITTNEY KING,

Plaintiff,

v.

Case No. 6:23-cv-465-CEM-LHP

**FLORIDA DEPARTMENT OF
CHILDREN AND FAMILIES,
ONE HOPE UNITED, HEATHER
HIGBEE, CHANTELE WADE-
CAINES, AVEY C HOLLOWAY,
CYNTHIA RODRIGUEZ,
TIMIKA MCGAHEE, RHONDA
BROWN, WASHAN SABUNCHY,
CRYSTAL PFISTER, DYESHA
BAKER, and SHACARIA
CUMMINGS,**

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 2). The United States Magistrate Judge issued a Report and Recommendation (Doc. 9), recommending that the Motion be denied and the Complaint (Doc. 1) be dismissed without prejudice.

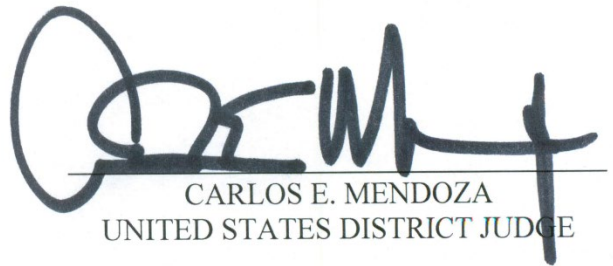
After review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72, and noting that no objections were timely filed, the Magistrate

Judge's recommended disposition is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 9) is **ADOPTED** and made a part of this Order.
2. The Motion to Proceed *In Forma Pauperis* (Doc. 2) is **DENIED**.
3. The Clerk is directed to place the Complaint (Doc. 1) under seal.¹
4. To the extent Plaintiff is seeking the return of her children in contravention of a state court custody order, those claims are **DISMISSED for lack of subject matter jurisdiction**.
5. To the extent Plaintiff brings a claim against Judge Heather Higbee based on Judge Higbee's actions related to Plaintiff's custody case, that claim is **DISMISSED with prejudice**.
6. The remainder of the Complaint is **DISMISSED without prejudice**.
7. If Plaintiff can assert claims consistent with the analysis set forth in the Report and Recommendation, she may file an amended complaint and a renewed motion to proceed *in forma pauperis* **on or before June 1, 2023**. Failure to do so will result in the closure of this case.

¹ The Magistrate Judge recommended striking the Complaint and removing it from the record because it improperly contains identifying information of minor children. While the Magistrate Judge's analysis is correct, the Court is also addressing the substance of the Complaint, so it will be sealed instead of removed in order to maintain the integrity of the docket should Plaintiff choose to appeal this decision.

DONE and **ORDERED** in Orlando, Florida on May 15, 2023.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party